

**MINUTES OF THE
SENATE JUDICIAL CONFIRMATION COMMITTEE**
Friday, June 15, 2007 –11:00 a.m. – Room W140 House Building

Members Present:

Sen. D. Chris Butters, Chair
Sen. Gregory S. Bell
Sen. Michael G. Waddoups
Sen. Lyle W. Hillyard

Staff Present:

Ms. M. Gay Taylor, General Counsel
Mr. Jerry D. Howe, Policy Analyst
Ms. Brooke Ollerton, Legislative Secretary

Members Absent:

Sen. Mike Dmitrich

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Butters called the meeting to order at 11:03 a.m.

Mr. McDade was placed under oath.

MOTION: Sen. Waddoups moved to close the meeting for the purpose of discussing the character, professional competence, or physical or mental health of Mr. McDade. The motion passed unanimously with Sen. Hillyard absent for the vote.

MOTION: Sen. Hillyard moved to open the meeting. The motion passed unanimously.

2. Interview of Mr. Darold J. McDade

Mr. McDade offered an opening statement. He introduced his family and gave a brief personal history highlighting his education and legal career.

Sen. Waddoups asked Mr. McDade what he would do if the law clearly required some outcome that he felt was unjust. Mr. McDade replied that he would follow the law.

Sen. Waddoups asked if there was anything in Mr. Dade's background that if committed as a sitting judge would violate the code of judicial conduct or be grounds for judicial discipline. Mr. Dade responded that there was not.

Sen. Waddoups asked how Mr. McDade felt about the Judicial Conduct Commission and the role of the public and the Legislature in judicial discipline. He responded that the state's current system is acceptable and that the public should play a role in the system.

Sen. Hillyard asked Mr. McDade which judge he considered a role model. Mr. McDade said he admired Judge Cullen Christensen of the Fourth District because he is well respected and personable.

Chair Butters asked if Mr. McDade had any personal biases that would affect his decisions. He replied that he did not believe he had any.

Chair Buttars asked if Mr. McDade believed that there was a crime so heinous that it would justify the use of the death penalty. Mr. McDade replied that state law allows for the death penalty so if a jury made that determination, he would enforce it.

Sen. Bell asked Mr. McDade what he would do when hearing a case on an issue in which he has little experience. Mr. McDade said he would take the time to prepare and would rely on the professionals around him.

Sen. Waddoups asked Mr. McDade about honoring same sex marriages from other states, abortion laws, and displays of religion in public settings. Mr. McDade said he would apply the law.

Sen. Waddoups asked if Mr. McDade believed he could produce decisions on time. Mr. McDade responded that he did.

MOTION: Sen. Bell moved to recommend to the full Senate the confirmation of Mr. Darold J. McDade as a judge in the Fourth Judicial District. The motion passed unanimously.

3. Other Items / Adjourn

MOTION: Sen. Waddoups moved to adjourn. The motion passed unanimously.

Chair Buttars adjourned the meeting at 12:06 p.m.